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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,897	06/20/2003	Scott W. Ziegler	020P0101	6794

7590 03/23/2005  
Rodney F. Brown  
3365 Baltimore Street  
San Diego, CA 92117

EXAMINER
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VU, STEPHEN A

ART UNIT	PAPER NUMBER
3636	

DATE MAILED: 03/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/600,897

Applicant(s)

ZIEGLER, SCOTT W.

Examiner

Stephen A Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10-13, 15-20 and 25-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-8 and 10-13 is/are allowed.
- 6) ☒ Claim(s) 15-18, 25, and 27 is/are rejected.
- 7) ☒ Claim(s) 19, 20 and 26 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 15-18,25, and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by McNichol, Jr. et al (#3,873,127).

McNichol, Jr. et al show a seating unit comprising a seat (10) including a seating surface (42) having an essentially horizontal orientation and a front side having a height, (see Appendix A), a backrest assembly (44) having a support arm (76) having a pivot end (80) (see Figure 2) and a free end (100) and a back bar (94) having an external surface, wherein the pivot end rotatably indirectly engages the seat via member (62). The free end engages indirectly to the back bar via support arm (76). The backrest assembly has a first selective operational position being an essentially vertical orientation, and the backrest assembly has a second selective operational position being an essentially horizontal orientation with the back bar positioned adjacent the seating surface and adjoining the height of the front side of the seat such that the external surface of the back bar is essentially even with the height of the front side to expose an essentially smooth continuous transition between the back bar and the seat. the seat (10) now construed to be the passenger seat segment. McNichol, Jr. et al show a driver seat segment (22) having a driver seating surface with an essentially

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horizontal orientation and a rear edge with a height and the passenger seat segment (10) including a passenger seating surface having an essentially horizontal orientation and a front side with a height.

With claim 16, the support arm is a first support arm. The pivot end is a first pivot end, and the free end is a first free end. The seating unit has a second support arm (78) having a second pivot end (82) and a second free end (102).

With claim 17, the seat has a first lateral side and a second lateral side. The first pivot end rotatably indirectly engages the seat at the first lateral side via member (62). The second pivot end rotatably indirectly engages the seat at the second lateral side via member (64).

With claim 18, the essentially vertical orientation of the backrest assembly has an angle of recline in a range from about 0 degree to 45 degrees beyond a vertical axis.

### ***Allowable Subject Matter***

Claims 1-8 and 10-13 are allowed.

Claims 19-20 and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Response to Arguments***

Applicant's arguments filed December 13, 2004 have been fully considered but they are not persuasive. The applicant has argued that the prior art of McNichol, Jr. et

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al does not teach the applicant's claimed invention as stated in claim 15. The examiner disagrees with this argument. It is best interpreted that McNichol, Jr. et al show a seating unit comprising a seat (10) including a seating surface (42) having an essentially horizontal orientation and a front side having a height, (see Appendix A), a backrest assembly (44) having a support arm (76) having a pivot end (80) (see Figure 2) and a free end (100) and a back bar (94) having an external surface, wherein the pivot end rotatably indirectly engages the seat via member (62). The free end engages indirectly to the back bar via support arm (76). The backrest assembly has a first selective operational position being an essentially vertical orientation, and the backrest assembly has a second selective operational position being an essentially horizontal orientation with the back bar positioned adjacent the seating surface and adjoining the height of the front side of the seat such that the external surface of the back bar is essentially even with the height of the front side to expose an essentially smooth continuous transition between the back bar and the seat. the seat (10) now construed to be the passenger seat segment.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

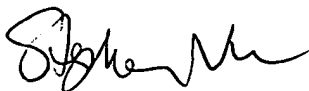
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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen A Vu whose telephone number is 703-308-1378. The examiner can normally be reached on M-F from 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M Cuomo can be reached on 703-308-0827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Stephen Vu  
March 7, 2005



Peter M. Cuomo  
Supervisory Patent Examiner  
Technology Center 3600